

**Proposed City Council Response to Findings and  
Recommendations in San Diego Grand Jury Report Titled  
“HOMELESS IN SAN DIEGO”**

**GRAND JURY FINDINGS**

***Finding #01:*** Homelessness in San Diego County is a region-wide problem that calls for region-wide solutions.

**Mayor’s Response:** Agree.

**IBA Recommendation:** Join the Mayor’s Response.

***Finding #02:*** Homelessness in the City of San Diego is an ongoing issue in the downtown area and is most apparent in the East Village neighborhood.

**Mayor’s Response:** Partially Disagree. The Regional Task Force on Homeless Demographic Point in Time (PIT) Count dated July 6, 2010 confirms that 39 percent of the City of San Diego’s homeless are in the Downtown 92101 zip code. The PIT count is not further broken down into specific areas of downtown.

**IBA Recommendation:** Join the Mayor’s Response.

***Finding #03:*** The PTECH report [10-Year Plan to End Chronic Homelessness] identified many of the homelessness problems and their solutions; however, the lack of an ongoing source of funding has limited the implementation of the Housing First/Housing Plus Plan.

**Mayor’s Response:** Agree.

**IBA Recommendation:** Join the Mayor’s Response.

***Finding #04:*** The San Diego region has numerous resources to reduce the impact of homelessness in the community. It is necessary for San Diego governments, homeless service providers and advocates, religious groups, business leaders, and citizens to work cooperatively.

**Mayor’s Response:** Agree.

**IBA Recommendation:** Join the Mayor’s Response.

***Finding #05:*** Many chronic homeless in San Diego County do not have shelter at night.

**Mayor's Response:** Agree.

**IBA Recommendation:** Join the Mayor's Response

***Finding #06:*** A multitude of homeless service providers exist in San Diego County.

**Mayor's Response:** Agree.

**IBA Recommendation:** Join the Mayor's Response.

***Finding #07:*** A need exists for permanent intake facilities with supportive services.

**Mayor's Response:** Agree.

**IBA Recommendation:** Join the Mayor's Response.

***Finding #08:*** Year-round, temporary homeless shelters with supportive services are critical until permanent facilities are operational.

**Mayor's Response:** Partially disagree. According to the RTFH, The City of San Diego (City) has 3073 year round beds. Experts in homelessness and solutions to homelessness emphasize a multifaceted approach that includes emergency shelters, housing first facilities, permanent supportive housing, ten-year plans and local planning design. The City is moving forward with plans to create a downtown permanent facility. This facility is one tool to combat homelessness. The City continues to move forward with comprehensive solutions that encourage economic stability and growth, workforce development, affordable housing and public safety.

**IBA Recommendation:** Join the Mayor's Response.

***Finding #09:*** The City destroyed the personal property of homeless people who were attending a religious service. There was no personal contact by the police with the homeless persons or homeless agencies prior to the destruction of their belongings.

**Mayor's Response:** Partially disagree. The Environmental Services Department (ESD) did abate property from the right-of-way on 9/22/09 at approximately 10:30 a.m. in the areas of 400 block of 16<sup>th</sup> St. and 100 block of 17<sup>th</sup> St. in the East Village area. The abatement had been properly noticed with on site postings by the Code Officer. Per the assigned Code Officer, and inspection notes, ESD did allow persons to retrieve belongings as did the San Diego Police Department Officer.

**IBA Recommendation: Join the Mayor's Response.**

***Finding #10:*** The San Diego Police officers on the scene would not allow anyone to retrieve their personal belongings.

**Mayor's Response:** Disagree. San Diego Police Sergeant Steve Behrendt #4528, the police supervisor on scene, did return property to at least one person that returned to the site. The property had not been loaded onto the refuse truck. Anyone who had returned to claim property would have been given an opportunity to remove their property.

**IBA Recommendation: Join the Mayor's Response.**

***Finding #11:*** An eleven-member committee was established to review the responses for a Homes First/Housing Plus facility and to recommend a provider and a potential site.

**Mayor's Response:** Partially disagree. A nine-member committee, with two alternates, was established to review the responses for a Request for Proposal for the Site, Development and Operation of a Service Center and Housing for Homeless and Extremely Low Income Individuals. The request was a call for a range of activities that are consistent with the Housing First/Housing Plus Model as outlined in the 10-Year Plan to End Chronic Homelessness.

**IBA Recommendation: Join the Mayor's Response.**

***Finding #12:*** The City needs to select the locations for downtown winter shelters earlier in the year to allow for community input and more time for the setup of structures.

**Mayor's Response:** Partially Disagree. The City seeks to select a winter shelter site in a timely manner. As such, efforts are conducted throughout the year to prepare for the subsequent winter shelter season. For example, in 2009 the actual site selection process began around May, for a late-November opening date. Selecting and preparing a site is a complex process which not only requires coordination among several departments and agencies but also is subject to criteria that dictate the physical parameters necessary to operate the program. Examples of some of the major criteria are listed below:

- Minimum area 30,000 sq. ft. for sanitation, food service and medical support
- City owned property (or if not city-owned, funding must be identified for any costs associated with leasing)
- Paved, level
- Proximity to public/mass transportation
- Availability of water and electricity hookups

In addition, City Council must approve the site location. If approval results in multiple hearings, docket availability and timelines must be considered. Beginning in July 2010, the San Diego Housing Commission began administering this process and the City plans to work with them to facilitate timely execution.

**IBA Recommendation: Join the Mayor's Response**

***Finding #13:*** The current winter shelters, because they are seasonal, do not adequately support the chronic homeless living on the streets in San Diego.

**Mayor's Response:** Partially Disagree. The winter shelters are not designed to solely support the chronic homeless living on the streets in San Diego. The shelters build upon the 3073 year round beds in San Diego to provide further options to those most in need in inclement weather.

**IBA Recommendation: Respond with the following modification of the Mayor's Response:**

**~~Partially Disagree~~Agree. However, T**he winter shelters are not designed to solely support the chronic homeless living on the streets in San Diego. The shelters build upon the 3073 year round beds in San Diego to provide further options to those most in need in inclement weather.

***Finding #14:*** Many of the homeless sleep on the sidewalks and in doorways throughout the City.

**Mayor's Response:** Agree.

**IBA Recommendation: Join the Mayor's Response**

***Finding #15:*** A need exists for year-round shelters.

**Mayor's Response:** Agree.

**IBA Recommendation: Join the Mayor's Response**

***Finding #16:*** To effectively address the human needs of these individuals, on-site social services must be provided at homeless shelters including medical care, mental health counseling, employment counseling and Supplemental Security Income (SSI) and Medi-Cal enrollment support.

**Mayor's Response:** Agree. The City relies on the County of San Diego to determine the most effective course for provision of social services to the homeless. As the region's provider of Health and Human Services, the County of San Diego administers medical care, mental health services, employment counseling, SSI, alcohol and drug rehabilitation, General Relief, public health, and many other critical resources that are used to address the need of the homeless.

**IBA Recommendation:** Join the Mayor's Response.

***Finding #17:*** Adequate permanent outdoor toilet facilities in the downtown and East Village areas do not exist.

**Mayor's Response:** **Partially Disagree.** While numerous public restrooms are currently in operation downtown, not all are open 24/7 and more are needed.

**IBA Recommendation:** Join the Mayor's Response.

***Finding #18:*** Additional portable, automatic, and permanent toilets would reduce the fecal deposits and urine odors in the downtown and East Village.

**Mayor's Response:** Agree.

**IBA Recommendation:** Join the Mayor's Response.

***Finding #19:*** An outbreak of illness caused by unsanitary conditions in the downtown and East Village areas could result in liability to the City.

**Mayor's Response:** N/A

**IBA Recommendation:** On advice from the City Attorney's Office, respond with the following:

**Disagree.** The basis for liability is unclear, and the City is not aware of any legal theory or statute which would provide a basis for liability in the manner described.

***Finding #20:*** Additional sidewalk and street cleaning equipment is necessary to reduce fecal matter, urine deposits, and odors in the downtown area to ensure the protection of the public's health and safety. Many of the East Village residents and businesses have to clean up fecal waste.

**Mayor's Response:** Partially Disagree. Clean and Safe responds as quickly as possible to known human waste in public right-of-ways. No new special equipment is required to clean the sidewalks properly. We believe that the best long term solution is the installation of more 24/7 public restrooms and the delivery of more interim and permanent housing for the homeless in the City.

**IBA Recommendation: Join the Mayor's Response**

***Finding #21:*** The NGDC requires necessary improvements to be in compliance with ADA requirements.

**Mayor's Response:** Agree.

**IBA Recommendation: Join the Mayor's Response**

***Finding #22:*** The NGDC requires repairs to the facility which will cost approximately fifty to one hundred thousand dollar.

**Mayor's Response:** Disagree. The budget for the ADA Improvements at the Neil Good Day Center is \$251,875.

**IBA Recommendation: Join the Mayor's Response.**

***Finding #23:*** The appearance of the NGDC requires landscaping to improve the appearance from the street side of the facility.

**Mayor's Response:** Partially Disagree. The Neil Good Day Center frontage on 17<sup>th</sup> Street is substantially obscured by overgrown ivy which covers the building walls and perimeter fencing. A number of options are available to improve the appearance of the facility, of which landscaping could be one option.

**IBA Recommendation: Join the Mayor's Response.**

***Finding #24:*** NGDC showers are limited to disabled persons only by Father Joe's Villages.

**Mayor's Response:** Agree. The City's operating agreement with St. Vincent de Paul intended for the showers to be available to all users and did not limit shower usage to disabled persons only.

**IBA Recommendation: Do not join the Mayor's Response and respond independently with the following:**

**Partially Disagree.** The current operator of the NGDC, Alpha Project, offers showers to all homeless individuals who want them. The previous operator, St. Vincent de Paul, limited showers at the NGDC to disabled homeless, while able-bodied homeless individuals were directed to showers at Father Joe's Villages. However, the City's operating agreement with St. Vincent de Paul intended for the showers to be available to all users.

## GRAND JURY RECOMMENDATIONS

**10-24: Form a Joint Powers Authority (JPA) and enlist the support of leaders in other cities in the County to develop a regional approach to manage and fund programs to moderate chronic homelessness.**

**Mayor's Response:** The recommendation requires further analysis by the County. The County of San Diego would be best equipped to implement this recommendation, as they have established processes for working with other cities in the region and serve as the lead Health and Human Service Agency region-wide. While the City recognizes the need for a regional approach to managing and funding homeless services, the City would defer to the County to determine whether a JPA is necessary to accomplish this goal.

Currently, a regional effort is underway through the Ending Homelessness Leadership Team. This Team consists of representatives of the Downtown Partnership, PTECH, County of San Diego, Congresspersons Davis and Filner, Senators Boxer and Feinstein, United Way, San Diego Police Department, Family Health Centers, San Diego Housing Commission (SDHC), Centre City Development Corporation, RCCC, RTFH, Veteran's Village, and the U.S. Veteran's Association.

**IBA Recommendation: Respond with the following modification of the Mayor's Response:**

The recommendation requires further analysis ~~by the County~~. The County of San Diego would be best equipped to implement this recommendation, as they have established processes for working with other cities in the region and serve as the lead Health and Human Service Agency region-wide. While the City recognizes the need for a regional approach to managing and funding homeless services, such an approach requires strong cooperation and commitments from all agencies in the region, and it may be more appropriate for an agency with regional jurisdiction to take the lead on a regional effort such as a JPA. ~~the City would defer to the County to determine whether a JPA is necessary to accomplish this goal.~~ Currently, a regional effort is underway through the Ending Homelessness Leadership Team. This Team consists of representatives of the Downtown Partnership, PTECH, County of San Diego, Congresspersons Davis and Filner, Senators Boxer and Feinstein, United Way, San Diego Police Department, Family Health Centers, San Diego Housing Commission (SDHC), Centre City

Development Corporation, RCCC, RTFH, Veteran's Village, and the U.S. Veteran's Association.

**10-26:**           **Organize a consortium of the leaders in the San Diego region to meet no less frequently than monthly to determine the direction on reducing homelessness in the San Diego region. This consortium shall work in concert with the regional authority that is formed based on Recommendation 10-24 and 10-25.**

**Mayor's Response:** The recommendation requires further analysis by the County. Per response to Recommendation 10-24, the City defers to the County of San Diego to determine the most appropriate course of action for the region.

**IBA Recommendation:** Respond with the following modification of the Mayor's Response:

The recommendation requires further analysis ~~by the County~~. Per response to Recommendation 10-24, such a regional approach requires strong cooperation and commitments from all agencies in the region, and it may be more appropriate for an agency with regional jurisdiction to take the lead on such an effort. ~~the City defers to the County of San Diego to determine the most appropriate course of action for the region.~~

**10-27:**           **Direct the San Diego Police Department and Environmental Services Department to develop policies and procedures regarding notification and the protection of homeless persons' property when removal is ordered.**

**Mayor's Response:** The recommendation has been implemented. San Diego Police Department Procedure 3.02, Impound, Release and Disposal of Property, Evidence and Articles Missing Identification Marks, was followed. However, additional procedures have been put in place, requiring additional posting and distribution of the abatement flyer at each of the social service agencies throughout the core San Diego Community.

Environmental Services Department Code Enforcement Guidelines were in place and followed to the best of the Code Officers ability at that time of the abatement. San Diego Municipal Code 54.0212 (b) states "unattended property that is soiled, unsanitary or verminous may be summarily abated and destroyed." There are also health and safety concerns for our employees. Code Officers do not reach into pockets of clothing, bags that are not transparent or cases that contain lots of small items, etc., as the Code Officer may get stuck, cut or poked by needles, razors, or other sharp and/or rusty objects not easily visible. Clothing, blankets, bedding and other items that are soiled, smell strongly of urine, feces and/or other bodily fluids and are deemed soiled and unsanitary.

New and updated policies and procedures have been implemented. The procedures will be updated on an as needed basis, as we continue to strive to improve the cleanup and removal process while respecting the rights of the homeless.

**IBA Recommendation: Join the Mayor's Response.**

**10-28: Direct the San Diego Police Department and Environmental Services Department to publish these guidelines to the homeless service agencies and the media.**

**Mayor's Response:** The recommendation has not yet been implemented, but will be pending the outcome of existing litigation. Once the litigation is completed, Environmental Services Department and the San Diego Police Department will distribute the guidelines as they are updated.

**IBA Recommendation: Join the Mayor's Response.**

**10-29: Finalize the plan, funding, and establishment of the year-round homeless intake facility.**

**Mayor's Response:** This recommendation has not yet been implemented; however, the next phase will be implemented by the San Diego Housing Commission in the Fall, 2010.

On June 29, 2010, the San Diego City Council unanimously approved the transfer of the management and oversight of City contracts for provision of shelter and services for homeless persons and the administration of the Emergency Shelter Grant to the SDHC.

The San Diego Housing Commission and Centre City Development Corporation on July 14, 2010 recommended to the City Council Land Use and Housing Committee to recommend that the City Council:

- Authorize staff to negotiate with the Redevelopment Agency of the City the disposition of the World Trade Center building (WTC) for the purpose of facilitating the development of a homeless service and housing center
- Request that the Agency enter into exclusive negotiations with the PATH/Affirmed team for development and operations of the WTC
- Authorize staff to negotiate with the Agency the disposition of the City-owned parking structure located adjacent to the Property for the purposes of redevelopment
- Request the Agency to enter into negotiations with the City for the acquisition of the Property and the Parking Structure for the purposes of facilitating the development of the facility.

The Committee voted 3-1 (Councilmember Faulconer dissenting), to approve the staff recommendation and forward the item to the full Council for consideration in Fall, 2010.

**IBA Recommendation: Respond with a modification of the Mayor's Response by adding the following language:**

In addition, the Committee voted 4-0 to direct the City Attorney to come to Closed Session by the end of July with a report and thoughts on a draft settlement agreement regarding the restrictions on issuing illegal lodging citations; and to forward the list of additional sites provided by Cushman & Wakefield, excluding the sites outside of downtown, to the Housing Commission and CCDC for review.

**10-30: Establish a downtown year-round temporary shelter, patterned after the 2009-2010 winter shelters, to house approximately 1,000 to 1,200 homeless persons.**

**Mayor's Response:** The recommendation has not yet been implemented but is being implemented by the San Diego Housing Commission and Centre City Development Corporation, through the Housing First/Housing Plus model, with completion contingent upon funding availability.

On December 2, 2008, the City Council approved a Housing Commission draft RFP for site development and operation of a service center and housing for homeless in the downtown area. The goal of the RFP was to address homelessness by providing housing coupled with supportive services consistent with the Housing First/Housing Plus Models as outlined in the PTECH. According to this model, three objectives were solicited: 1) a "one-stop" service center and/or emergency housing to be located downtown, 2) affiliated permanent supportive housing units, 3) a feasible site or building at which a "one-stop" service center, emergency housing and/or permanent supportive housing units could be developed. The RFP did not specify a minimum or maximum number of beds but rather encouraged innovative ideas to move homeless persons from the street through interim housing and into permanent supportive housing and self-sufficiency. A proposed project is currently being vetted by members of the public and decision makers; however, the proposal under review does not house 1,000 persons due to lack of funding resources. According to the Housing First/Housing Plus Model, future supportive housing opportunities will be targeted to serve homeless living on the streets. The Housing Commission and CCDC anticipate presenting the next phase of the proposal to City Council in Fall, 2010.

**IBA Recommendation: Join the Mayor's Response.**

**10-31: Consider the establishment of additional temporary shelters in other parts of the City to accommodate the balance of homeless persons in those areas.**

**Mayor's Response:** The recommendation has been implemented. Last year, the City Council considered shelter sites throughout the City of San Diego, in each Council district. However, City Council chose to select a downtown location to operate the winter shelter program.

**IBA Recommendation:** Respond with the following modification of the Mayor's Response:

The recommendation ~~requires further analysis~~ **has been implemented**. Last year, the City Council considered shelter sites throughout the City of San Diego, in each Council district. However, City Council chose to select a downtown location to operate the winter shelter program. At the present time, there is no funding to establish additional temporary shelters in other parts of the City. The merits of establishing additional temporary shelters will be evaluated in contrast to the City's current approach of moving toward the establishment of permanent supportive housing based on the Housing First/Housing Plus model.

**10-33: Review Downtown Partnership's Clean and Safe program with the objective of increasing the cleaning and sanitizing of the sidewalks and streets in downtown San Diego.**

**Mayor's Response:** This recommendation requires further analysis to identify areas that require additional cleaning/sanitizing and the costs associated with those services. Upon completion of the analysis, CCDC staff will assess the budgetary impact to determine next steps. The time frame to complete this analysis would be 6 months.

**IBA Recommendation:** Join the Mayor's Response.

**10-34: Provide funding for outdoor toilets in the downtown and East Village areas to reduce public health hazards.**

**Mayor's Response:** This recommendation has been implemented. On June 21, 2010 the City Council, sitting as the Redevelopment Agency Board, adopted the FY 2011 Redevelopment Agency Budget. As part of that action, the Agency Board encumbered \$700,000 from the Centre City Development Corporation's budget for additional public restroom facilities in downtown. The Centre City Development Corporation was directed to prepare a project plan and budget, and to report back to the Agency by the end of October 2010 after conducting public outreach.

On September 15, 2010 CCDC staff presented its findings to date to the CCDC Real Estate and Budget/Finance and Administration Joint Committee. Staff researched various public restroom models including the Portland Loo and self-cleaning restrooms, contacted the cities using the restrooms to vet satisfaction level and ascertain annual

maintenance costs, held several community meetings soliciting input on the public restroom concept and possible locations, and has prepared a budget for the utility connection, site preparation and installation for each proposed restroom. In addition, security concerns were discussed with the San Diego Police Department. Research conducted to date included satisfaction levels of other cities with self-cleaning models in service for several years, proposed locations of public restrooms, community input, and possible funding sources for maintenance and parties to perform the maintenance. The item is next scheduled to be presented to the Centre City Advisory Committee on September 22 and the CCDC Board of Directors on September 29 for a recommendation to the Agency Board. The item is tentatively scheduled to be presented to the Agency Board in mid-October 2010.

**IBA Recommendation: Join the Mayor's Response.**

**10-35: Provide funding to improve the functionality and serviceability of the Neil Good Day Care Center, specifically:**

- a. Insure that the facility is in compliance with the Americans with Disability Act.
- b. Maintain the showers, washing machines and clothes dryers.
- c. Install a covering on the outside areas to provide shade and protection from inclement weather.
- d. Expand the Neil Good Day Care Center operating hours from 6:00 AM to 9:00 PM daily to reduce the incidence of homeless people being arrested by the San Diego Police for illegal lodging enforcement.
- e. Expand the usage of the showers to include all homeless persons.
- f. Consider the Neil Good Day Center site as a location for a year-round temporary shelter.

**Mayor's Response:**

- a. This recommendation has not yet been implemented, but will be implemented in the future. The ADA improvements for the Neil Day Good Center are budgeted in the City's Capital Improvement Program. The project design work is anticipated to be completed in October 2010, with a construction start date of June 2011 and completion by April 2012.
- b. This recommendation has already been implemented. The current operator is required to maintain the showers, washing machines and clothes dryers pursuant to the operating agreement.
- c. This recommendation will not be implemented. The Neil Good Day Center building is owned by the City but the land is owned by Caltrans, who leases the land to the City. The current lease agreement requires Caltrans approval of an

Encroachment Permit for any new site improvements and structures. There are no City-sponsored plans or funding to implement this recommendation at this time.

- d. This recommendation will not be implemented. The Neil Good Day Center is currently open seven days per week. While the San Diego Police Department is not opposed to the Neil Good Day Center being open longer hours, it would require additional funding to pay the operator for the additional costs associated with the extended hours and no funding source has been identified at this time.
- e. This recommendation has already been implemented. The City's current operator, Alpha Project, is offering showers to all homeless persons wanting showers.
- f. This recommendation will not be implemented. There are several constraints associated with the site's size and configuration that make it infeasible to serve as a year-round temporary shelter. (See response to Finding #12.)

**IBA Recommendation: Join the Mayor's Response.**